

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Steven Lewis Barnes,)	
)	C/A No.: 4:05-cv-2073-MBS-TER
Plaintiff,)	
)	
vs.)	
)	ORDER
A. Dell Doby, Sheriff; Lt. Polly Hall;)	
Elijah Harris; Lt. Karen Jaggers; Nurse)	
Kathy Fluery; Nurse Terry Shelton; Staff)	
Wade Rouse; Wayne Adams; John/Jane)	
Does of the Food Department at Aiken)	
Regional Hospital; and John/Jane Does,)	
Staff at Edgefield County Detention)	
Center,)	
)	
Defendants.)	
)	

Plaintiff Steven Lewis Barnes is housed at the Edgefield County Detention Center in Edgefield, South Carolina. Plaintiff, appearing *pro se*, brings this complaint pursuant to 42 U.S.C. § 1983, alleging that Defendants violated his constitutional rights in various respects.

Two motions are presently before the court: first, a motion “to alter or amend preliminary injunction” filed by Plaintiff on July 11, 2006; and second, a motion to dismiss filed by Defendants Nurse Kathy Fluery and Nurse Terry Shelton on August 22, 2006. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III for pretrial handling. On November 15, 2006, the Magistrate Judge issued a Report and Recommendation in which he recommended that Plaintiff’s motion for preliminary injunction be denied. The Magistrate Judge further recommended that Defendants Fluery and Shelton’s motion to dismiss be denied. Neither party filed an objection to the Magistrate Judge’s Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a *de novo* determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, the motion “to alter or amend preliminary injunction” filed by Plaintiff (Entry 75) is **denied**. Second, the motion to dismiss filed by Defendants Fluery and Shelton (Entry 81) is **denied**. The matter is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

S/ Margaret B. Seymour
Margaret B. Seymour
United States District Judge

February 12, 2007

Columbia, South Carolina